



PATENT
Attorney Docket No. 101.0054-03000
Customer No. 22882
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 7817
Gary K. Michelson)	
Serial No.: 10/090,506)	Group Art Unit: 3731
Filed: February 27, 2002)	Examiner: Uyen Ho
For: MILLING INSTRUMENTATION)	
AND METHOD FOR PREPARING)	
A SPACE BETWEEN ADJACENT)	
VERTEBRAL BODIES)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after a Final Action but before payment of the issue fee and is accompanied by the required fee of \$180.00 and a certification as specified under § 1.97(e). Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Each document listed in this Information Disclosure Statement was cited in a communication from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

Copies of the non-U.S. listed documents are attached.

In lieu of a statement of relevance or translation of the non-English documents, an English language version of a search report from the European Patent Office in a

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corresponding application citing these documents and setting forth the relevance thereof is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 21, 2005

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0054-03000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson, M.D.		Application Number 10/090,506
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date February 27, 2002		Group Art Unit U. Ho Examiner 3731

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,545,374	10/1985	Jacobson			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	0 641 547	3/1995	Europe			No
	1 120 089	8/2001	Europe			No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Supplementary European Search Report dated January 12, 2005 from European Patent Application No. 97 93 5095.

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	